

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0332

FILED

AUG 24 2010

MICHAEL LEWIS OPSAHL,

Petitioner,

v.

MONTANA FOURTH JUDICIAL
DISTRICT COURT, MISSOULA
COUNTY, and THE HONORABLE
JOHN W. LARSON, Presiding Judge,

Respondents.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
ORDER

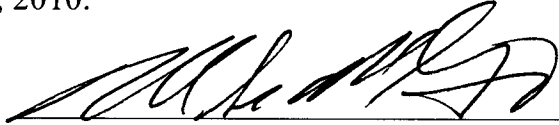
Petitioner Michael Lewis Opsahl has filed herein a petition seeking supervisory control over the Fourth Judicial District Court in relation to a sentencing condition imposed upon Opsahl in that court's Cause No. DC-10-91. Opsahl asserts the sentencing condition prohibiting the use of medical marijuana is illegal, that the normal appeal process is inadequate, and that the District Court is proceeding under a mistake of law that is causing a gross injustice. We issued an order granting the District Court and/or the State of Montana twenty days to respond to the petition. Both have responded, opposing the petition.

Supervisory control is an extraordinary remedy which we review on a case-by-case basis to determine if urgency or emergency factors exist making the normal appeal process inadequate to prevent a gross injustice from occurring. M. R. App. P. 14(3). Having reviewed the petition and responses, we conclude that the extraordinary circumstances required by Rule 14(3) are not present. Therefore,

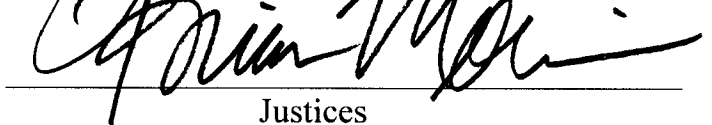
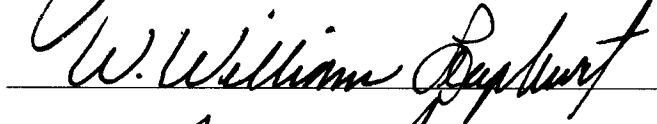
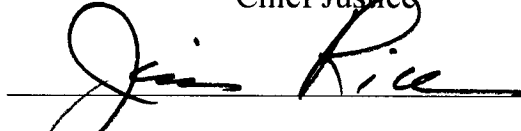
IT IS HEREBY ORDERED that the petition for supervisory control is DENIED.

The Clerk is directed to provide copies of this Order to counsel of record in Missoula County Cause No. DC-10-91, to the Office of the Montana Attorney General, and to the Honorable John W. Larson, District Judge.

DATED this 20th day of August, 2010.



Chief Justice



Justices